IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 8693 of 2004

Between:

1 Praja Cable, rep., by S.Kanaka Reddy, s/o Chenna Krishna Reddy, III Floor, Kakatiya Buildings, Sankar Vilas Centre, Suryapet, Nalgonda District.
2 Uma Maheswara Cable Network, rep., by D.Ashok Reddy, s/o Lakshma Reddy, Beside R & B Guest House, Main Road, Nakrekal, Nalgonda District.
3 Sri Raja Rajeshwari Channel, rep., by P.Venkata Reddy, s/o Krishna Reddy, Radha Krishna Towers, Opp:D.S.R.Government Hospital, Durgamitta, Nellore, Nellore District.
4 Shivabhi Channel, rep., by C.Ashok Kumar, s/o Janaki Ramaiah, 10/15, Z.P.High School Road, Gudur, Nellore District.
5 Sri Saivalli Media Entertainment rep., by K.V.V.Pullam Raju, s/o K.V.V.S.Suryanarayana Raju Shop No.C-8, Surya Apartment, Beside Khandari Lane, Mogalrajpuram, Vijayawada, Krishna District.
6 Ayodya Cable Network, rep., by P.V.Kalyana Chakravarthy, s/o P.V.Krishnam Raju, c/o V.Rajam Raju, H.No.23-39-24, A.S.Raju Road, Muthyalampadu, Vijayawada, Krishna District.
7 High Tech Cable Network, rep., by J.Venkanna, s/o Narsimha, Operator and Proprietor, High-Tech Electronics, Beside Z.P.High School, Main Road, Chityal, Nalgonda District.
8 Vigneshwara Cable Network, rep., by M.Rama Krishna Rao, s/o Gurumurthy, D.No.2-8-67A, Opp:Munsif Court, Trunk Road, Kavali, Nellore District.

..... PETITIONER(S)

AND

1 The District Collector, Nalgonda, Nalgonda District.
2 The District Collector, Krishna District at Machilipatnam.
3 The District Collector, Nellore, Nellore District.
4 The Secretary to Government of India, Ministry of Information & Broadcasting, New Delhi.

5 The Government of Andhra Pradesh, rep., by its Chief Secretary, Secretariat, Hyderabad.
6 G.Udaya Kumar, Gemini and Teja Distributor, Miryalaguda Division, H.No.26-124, Gayathri Complex, Main Bazar, Miryalaguda, Nalgonda District.
7 K.Sudheer Kumar Gemini and Teja Distributor, Nalgonda Division, Sri Amrutha Communications Network, Ramgiri, Nalgonda, Nalgonda District.
8 Chatla Mallikarjuna Rao, Gemini and Teja Distributor, Aakash Network, Shop No.F-11, Saileela Complex, Beside Basota Cakes, Trunk Road, Nellore.
9 M.Gopala Krishna Reddy, Gemini and Teja Distributor, Srinivasa Towers, Pent House, Central Avenue, Magunta Layout, Nellore.
10 G.Premnath, Gemini and Teja Distributor, Vijayawada, AURIC MEDIA, Shop No.24, Gandikota Complex, Prakasham Road, Governorpet, Vijayawada, Krishna District.
11 Gemini and Teja Television, rep., by its Managing Director & Chairman, Anna Salai, Teynampet, Chennai-600 018
12 The Manager (Distribution), Channel Plus, Unit of Kal Exim Private Limited, 93A, Kodambakkam Highway Road, Chennai-600 034.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more in the nature of writ of mandamus, declaring the action of the respondents in not providing decoders, sim cards and signals to the petitioners to transmit the Gemini and Teja Channels is illegal, unjust, contrary to law, bad in the eye of law, violation of principles of natural justice, violative of Articles 14 and 19(i)(g) of the Constitution of India and also violative of sections 19 & 20 of the Cable Television Network (Regulation) Act, 1995 and violation of section 2(i) and 2(o) of the M.R.T.P.Act of 1969 and consequently direct the respondents to provide the decorders, simcards and signals to the petitioners to transmit the Gemini and Teja Channels to their subscribers

For the Petitioner:MR.E.V.S.S.ACHARYULU

For the Respondent No.: (SC-CENTRAL GOVT)

The Court Made the Following :

The present writ petition is filed questioning the action of the respondents in not providing decoders, sim cards and signals to the petitioners to transmit Gemini and Teja channels.

Heard learned counsel for petitioner.

The petitioners are Cable Network Operators. It is their case that they paid certain amounts to respondents 6 to 12 for transmission of Gemini and Teja channels. It is stated that the first petitioner had made an application to the District Collector, Nalgonda, and since no action was initiated, they filed a petition in R.T.P.E. No.6 of 2003 before the Monopolies and Restrictive Trade Practice Commission, New Delhi and the same is pending consideration. The petitioners contend that due to non-transmission of Gemini and Teja channels, their business is being adversely affected. It is also stated that first petitioner has filed a complaint in C.D. No.10 of 2003 before the District Consumer Redressal Forum, Nalgonda, and a also lodged a complaint under Section 420 of IPC in Crime No. 155 of 2002 against respondents 8 to 12. Thereafter the matter was compromised, and in accordance with the terms and conditions of the compromise, the subject channels were transmitted till 5-9-2003, when the transmission was stopped, though subscription was paid upto 20-9-2003. Thereafter the first petitioner has filed a petition in C.D. No.58 of 2003 before the District Consumer Disputes Redressal Forum, Nalgonda, in September 2003 and also filed a Criminal Case in C.C. No.276 of 2003 on the file of the Judicial First Class Magistrate, Nakrekal. Further the first petitioner made a representation to the District Collector, Nalgonda on 6-9-2003. In turn the District Collector vide HIS letter dated 6-10-2003 requested the Deputy Executive Information Engineer, Nalgonda, to take necessary action under Cable Television Network ® Act 1995.

The grievance of the petitioners in brief is that respondents 6 to 12 are not transmitting Gemini and Teja Channels to them, though they paid

the required amount, and in spite of lodging several complaints and petitions to the authorities concerned. The petitioners also contend that due to non-transmission of the said channels, their business is being adversely affected and they are incurring heavy losses.

The petitioners admittedly initiated proceedings before the Monopolies and Restrictive Trade Practice Commission, New Delhi, Consumer Forum and Criminal Courts and the proceedings are pending at different stages. The petitioners also made representation to District Collector on 6-9-2003 which was forwarded to the Deputy Executive Information Engineer, Nalgonda for taking necessary action in accordance with provisions of Cable Television Networks ® Act, 1995. When the matters are pending before the aforesaid authorities at various stages, it is not proper for this Court to interfere in the matter and direct the respondents concerned to transmit the subject channels to the petitioner.

However, since the petitioners have made a representation to the District Collectors of Krishna, Nalgonda and Nellore, I deem it appropriate to dispose of the writ petition directing them to consider and dispose of the representation of the petitioners, and pass appropriate orders, in accordance with law, expeditiously.

The writ petition is accordingly disposed of. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

15-6-2004

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To,

1 The District Collector, Nalgonda, Nalgonda District.
2 The District Collector, Krishna District at Machilipatnam.
3 The District Collector, Nellore, Nellore District.
4 The Secretary to Government of India, Ministry of Information & Broadcasting, New Delhi.
5 The Government of Andhra Pradesh, rep., by its Chief Secretary, Secretariat, Hyderabad.
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